

### REMARKS

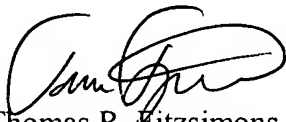
A serious burden is required to maintain a proper restriction. See, e.g., MPEP §§ 803(B) & 808.02. Examination of claims 2-3 (Group I) along with the Group II claims would present no serious additional burden to the examiner, and the claims should accordingly be examined together. The field of search will very likely overlap between Groups I and II. Group I claims 2 and 3 are directed to a particular step of formation of at least a first epitaxial layer and to a particular step of defining an emission region, respectively. Several of the claims in elected Group II recite an epitaxial layer and/or an emission region (see, e.g., claims 13, 16-18, 22-23, 25-28), with the result that a search conducted in the examination of Group II should overlap with that required for the two claims of Group I.

Accordingly examination of two additional claims of Group I will not add to the burden of examination in any substantial fashion. Applicants thereby request the examination of the two Group I claims along with elected Group II.

Respectfully submitted,

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